

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 06/21/06
TIME: 3:30 p.m.

***Howard Katz v. Joe Robert Mogus*
CV 06-0574 (DLI) (JO)**

TYPE OF CONFERENCE: initial conference (by telephone)

APPEARANCES: Plaintiff Shmuel Klein

Defendant Joe Robert Mogus (*pro se*)

SCHEDULING: There are no further conferences scheduled at this time.

THE FOLLOWING RULINGS WERE MADE: The defendant has moved for dismissal as well as a transfer of venue. As to the latter, the plaintiff's counsel agreed during today's conference that the sole allegation contained in the complaint regarding venue (that the defendant resides in this district) is incorrect, and that the defendant resides in West Virginia. Although the plaintiff now asserts that there may be another basis for venue in this district, given the lack of congruence between the allegations in the complaint and the requirements of 28 U.S.C. § 1391(a), I believe it makes sense to stay discovery pending the outcome of the dismissal and venue motions. In the absence of any objection, I therefore order that discovery is stayed until further order. I further direct Mr. Klein to serve a copy of this order on Mr. Mogus.

SO ORDERED

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge